



United States Government

**NATIONAL LABOR RELATIONS BOARD**  
**1015 HALF STREET, SE**  
**WASHINGTON DC 20570**

January 6, 2021

Charles S. Caulkins  
FISHER & PHILLIPS LLC  
450 East Las Olas Boulevard  
Suite 800  
Fort Lauderdale, Florida 33301

Re: **Cemex, Inc.**  
Case 12-RC-270160

Dear Mr. Caulkins:

This letter acknowledges receipt of the Employer's Special Permission to Appeal the Regional Director's "unfavorable decision in the hearing on this matter to the NLRB."

The Board's Rules and Regulations do not permit parties to file special permissions to appeal in representation cases. Under Section 102.67(c), a party may file a request for review with the Board of "any action of a Regional Director." That request for review, however, must comply with the requirements set forth in Section 102.67. Because the Employer's special permission to appeal does not meet the requirements set forth in the Board's Rules and Regulations, it cannot be construed as a request for review. Accordingly, the Employer's special permission to appeal is an improper filing and will not be forwarded to the Board for consideration.<sup>1</sup>

Very truly yours,

/s/ Farah Z. Qureshi  
Deputy Executive Secretary

cc: Parties

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<sup>1</sup> The Employer additionally failed to properly serve the other party in this matter. Under Sec. 102.5(c), "if the document being E-Filed is required to be served on another party to a proceeding, the other party must be served by email, if possible..." Here, the Employer served the other party in this case via mail rather than email. The Employer did not show that email service was not possible.